from making the most efficient use of its resources.

I urge my colleagues to carefully review the provisions of this bill and make an informed choice.

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 2092, the Private Security Officer Quality Assurance Act. Modest though it may be, I believe this legislation can provide a valuable first step toward assuring that only qualified individuals are hired as private security officers.

H.R. 2092 would accomplish two basic goals. First, it would allow the Attorney General to establish an association of private security guard employers that would, in turn, serve as a clearinghouse for submitting applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would more quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes a Sense of the Congress that simply says that the States should participate in the background check system noted above.

I would note, Mr. Speaker, that the legislation we are considering today is a vast improvement from the bill as originally introduced. In its original form, H.R. 2092 addressed a broad range of employment issues, including a Sense of the Congress that the States should enact statutes imposing potentially onerous registration and training requirements on employers of private security officers. While I strongly support the notion of thoroughly checking the background of all private security officer job applicants, and of assuring an adequate level of training for such applicants, I found the proscriptive nature of the bill's original language—and, its suggestion that these requirements be mandated upon either the States or employers—troubling. For that reason, I am pleased that the bill before us today no longer includes those particular provisions.

Finally, Mr. Speaker, I would note that H.R. 2092 was originally introduced by Representative BARR of Georgia, and was referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on the Judiciary. While the Committee on Economic and Educational Opportunities has not reported H.R. 2092, the Judiciary Committee ordered the bill favorably reported by a voice vote on September 18, 1996. Given Congress' impending adjournment, I saw no reason to slow the legislative process; however, these actions should hold no precedence regarding the interest that the Committee on Economic and Educational Opportunities has regarding our jurisdiction with respect to issues raised in the bill.

Mr. FAWELL. Mr. Speaker, I rise today in support of H.R. 2092, the Private Security Officer Quality Assurance Act. I believe this legislation will help ensure that only qualified individuals are hired as private security officers, thereby improving the important public service these individuals provide.

H.R. 2092 is not broad in scope; rather, it seeks modest changes that would simply expedite the process by which States and employers can check the backgrounds of individuals applying for private security officer jobs. The bill would accomplish this in two basic ways. First, it would allow the Attorney General to establish an association of private security guard employers. This association would, in turn, serve as an industry clearinghouse that could submit applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes provisions expressing the Sense of the Congress that the States should participate in the background check system noted above.

It is important to note, Mr. Speaker, that the legislation we are considering today is very different—and, much improved—than the bill that was originally introduced. In its original form, H.R. 2092 included lengthy provisions declaring the Sense of the Congress that the States should enact statutes imposing numerous certification and training requirements on employers of private security officers. Although I support the concept of improving efforts to screen and adequately train private security officer job applicants, the bill's focus on achieving these improvements through proscriptive and cumbersome mandates—imposed on either the States or employers—was troubling to me as well as to other Members of our Committee. For that reason, I am pleased that the bill that we take up today no longer includes those particular provisions.

Finally, Mr. Speaker, I would note that H.R. 2092, which was originally introduced by Representative BARR of Georgia, was referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on the Judiciary. While the Committee on Economic and Educational Opportunities has not reported H.R. 2092, the Judiciary Committee did, in fact, order the bill favorably reported by a voice vote on September 18, 1996. Given Congress' impending adjournment, I agree with my committee chairman, Mr. GOODLING, that there is no reason to slow the legislative process; however, I also share his view that these actions should hold no precedence regarding the interest that the Committee on Economic and Educational Opportunities has regarding our jurisdiction with respect to issues raised in the bill.

Mr. WATT of North Carolina. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 2092, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOVERNMENT ACCOUNTABILITY ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) providing for the concurrence of the House, with an amendment, in the amendments of the Senate to the bill H.R. 3166.

The Clerk read as follows:

H. RES. 535

Resolved, That upon adoption of this resolution, the bill H.R. 3166, to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, with the Senate amendments thereto, shall be considered to have been taken from the Speaker's table and the same are agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''False Statements Accountability Act of 1996''.

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

''§ 1001. Statements or entries generally

''(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(2) makes any materially false, fictitious, or fraudulent statement or representation; or

''(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years, or both

''(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

''(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

''(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

''(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with the applicable rules of the House or Senate.''.

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.''.

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by

striking ''Federal Government acting within his official capacity'' and inserting ''executive branch of the Federal Government acting within his or her official capacity, except that this section shall apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government''.

SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or ancillary to'' after ''any proceeding before''; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by inserting ''or ancillary to'' after ''a proceeding before'' each place that term appears; and

(B) in paragraph (3), by adding a period at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 535.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for decades, section 1001 of title 18 of the United States Code has been a powerful tool in the hands of prosecutors seeking to address the willful misleading of the executive, judicial, and legislative branches. Over the years, section 1001 has been used to prosecute a wide variety of misconduct. Notable prosecutions under section 1001 include those of Colonel North and Admiral Poindexter, and more recently, the case against former Congressman Rostenkowski.

On May 15, 1996, the U.S. Supreme Court dramatically changed Federal criminal law dealing with the offense of willfully misleading a branch of Government. In the case Hubbard versus United States, the Supreme Court limited the application of section 1001 to only the executive branch, leaving the offenses of misleading Congress and the courts outside its scope.

On June 30, 1995, the Crime Subcommittee held a hearing to examine how section 1001 could be amended to ensure that those who willfully mislead any branch of the Government are held accountable. At that hearing, all of the witnesses agreed that law enforcement must have the ability to punish those who willfully mislead the Government. But they further agreed that such an ability must be weighed against our commitment to free speech, a balanced adversarial system of justice, and a genuine separation of power between the three branches of Government.

H.R. 3166 is responsive to the concerns raised at our June hearing. The bill provides us with the means of punishing those who willfully mislead the executive, legislative, and judicial branches, while at the same time avoiding unintended consequences.

The bill applies section 1001 to all three branches of the U.S. Government, with two exceptions. First, the bill has a judicial function exception, which provides that section 1001 does not apply ''to a party to a judicial proceeding or that party's counsel, for statements, representations, writings, or documents submitted by such party or counsel to a judge or magistrate in that proceeding.'' This exception applies the criminal penalties of section 1001 to those representations made to a court when it is acting in its administrative function, and exempts from the scope of section 1001 those representations that are part of a judicial proceeding. The failure to establish such a judicial function exception would allow a prosecutor to threaten his or her opposing counsel with criminal prosecution for statements made by such counsel to a judge in the case before them. Such threats would clearly chill vigorous advocacy, and, as such, would have a substantial detrimental effect on the adversarial process.

The second exception is the legislative function exception. This exception is the result of much work by Members on both sides of the aisle, and much work with the Senate Judiciary Committee. It is agreed to by all these parties. The purpose of this provision is to guard against creating an intimidating atmosphere in which all communications made in the legislative context—including unsworn testimony and constituent mail—would be subject to section 1001's criminal penalties. Such an atmosphere could undermine the free-flow of information that is so vital to the legislative process.

The legislative function exception limits section 1001's application in a legislative context to administrative matters and to any investigation or review that is conducted pursuant to the authority of a committee, subcommittee, commission or Office of Congress, consistent with applicable rules. I think it is important to note that the term ''review,'' as used here, refers to an action that is ordinarily initiated by the chairman of a committee, subcommittee, office, or commission, consistent with the performance of their oversight or enforcement activities. ''Investigation or review'' is not intended to include routine fact gathering or miscellaneous inquiries by committee or personal staff. While the operation of this provision is not contingent on any changes to the Rules of the House, certain changes to the rules may be advisable in the future to provide increased clarity regarding what constitutes an ''investigation or review'' for purposes of this section.

At the same time, section 1001 continues to apply to the many administrative filings that have been covered in the past. As such, it covers Members of Congress who knowingly and willfully lie on their financial disclosure forms, initiate ghost employee schemes, knowingly submit false vouchers, and purchase goods and services with taxpayer dollars.

Importantly, statutes such as perjury and contempt of Congress continue to provide a means of holding accountable those who knowingly and willfully mislead Congress.

I believe that the institutional interests of the Congress, and the interests of the American people, are advanced when unsworn congressional testimony and legislative advocacy occur without the fear of possible criminal prosecution for misstatements. The functioning of this body would be seriously undermined, and the people poorly served, if all statements and correspondence from constituents were subject to criminal prosecution. H.R. 3166 avoids creating such an atmosphere.

The bill includes three additional sections which, along with the amendments to section 1001, help to safeguard the legislative and oversight roles of Congress assigned to it by the Constitution. All of these sections have been worked out and agreed to by both sides in the House and the Senate.

In brief, section three responds to the D.C. Circuit Court's decision in Poindexter and clarifies that a person acting alone may obstruct a congressional inquiry. Section 4 clarifies that resistance to a Senate subpoena by a Federal employee claiming a governmental privilege must be authorized by the executive branch. And section 5 allows Congress to compel an immunized witness to testify at depositions as well as hearings.

I would like to thank my friend from New Jersey, Congressman MARTINI, for his leadership and hard work on this bill. He has been out front on this issue since the Supreme Court handed down Hubbard, and has worked with parties on both sides of the aisle to make sure that we moved a good bill through this House. Mr. MARTINI—I want to congratulate you and your staff on a job well done.

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Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill overturns the 1995 Supreme Court case of United States versus Hubbard in which the Supreme Court overturned 40 years of case law to hold that section 1001 of title 18 of the United States Code does not allow prosecution for false statements made to the judiciary or to Congress. In essence, the Court's holding allows individuals to make false statements to Congress with impunity.

When this bill was originally marked up in subcommittee, I was concerned that legislative advocacy not be

criminalized. At full committee, however, an amendment providing an exception for legislative advocacy was passed unanimously.

In a conference with the Senate, this exception has been further refined. As a result, statements made to Congress for the purpose of legislative advocacy will not be prosecutable. Not only Members of Congress but lobbyists and members of the public will be protected by this provision.

I believe that a legislative advocacy exception is necessary, because in the heat of intense arguments over legislation, positions may be exaggerated or overemphasized. Such statements should not be subject to potential prosecution.

This amendment will ensure that Members of Congress and members of the public will continue to engage in full uncensored debate over legislation. At the same time, this bill does not protect those who make false statements to Congress in other contexts. Lies about financial statements or other administrative matters should be subject to prosecution.

In addition, false statements made to Members of Congress or congressional staff pursuant to authorized investigations would also be subject to criminal prosecution.

In short, this bill overturns the recent Supreme Court case and, once again, makes lying to Congress a Federal crime. But it also includes an important but narrow exception designed to ensure uninhibited debate.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. MARTINI], the author of this bill.

Mr. MARTINI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I am pleased after months of negotiations and discussions within our own House and with the other body that we are finally able to complete the action on this important legislation.

I would like to take this moment to thank the gentleman from Florida, Chairman MCCOLLUM, and the capable Crime Subcommittee counsel Paul McNulty and Dan Bryant, and Dan Gans of my own staff, for their hard work and commitment to bringing this legislation to the floor.

Mr. Speaker, today, upon enactment of this legislation, we will finally know with certainty that individuals who knowingly and intentionally issue a materially fraudulent or false statement to the legislative or judicial branch of the Federal Government will be subject to criminal prosecution under title 18, section 1001, of the United States Code.

As I stated previously, I believe that the public has a right to know that congressional financial disclosure forms and other required congressional filings are filled out truthfully and accurately. Our service in the Congress is based upon mutual trust with the American people.

Citizens should know that Members of Congress and candidates seeking office have provided honest, complete responses on their congressional financial disclosure forms. Only an enforceable Federal false statement statute will protect that valuable trust.

In addition, when Congress receives testimony before the various committees of the House of Representatives, it is only right to expect that the information and statements provided to us by those witnesses is truthful and factual, especially in an investigative setting.

I serve as a member of the Committee on Government Reform and Oversight, which is the primary committee charged with oversight of the entire Federal Government. This past year I have sat through a number of investigative hearings without having the benefit of a viable Federal false statement statute. Having done so, I am convinced, now more than ever, of the necessity for enacting the False Statements Accountability Act.

Mr. Speaker, I have stated time and time again as we debated this issue that this is simply an issue of parity. There is no reason why we would hold false statements issued to Congress or the judiciary with any less severity than those issued to the executive branch.

Before I conclude, some of my colleagues in the House and in the other body had expressed concern that the False Statements Accountability Act needed to include a congressional advocacy exception that would exempt certain types of legislative advocacy from the scope of section 1001. These individuals should be assured that the current compromise version of H.R. 3166 adequately addresses their concerns while simultaneously protecting the veracity and legitimacy of the investigative activities of the Congress.

Mr. Speaker, last week I was concerned that, had we gone home next week without passing H.R. 3166, it would have given the perception that Congress was attempting to avoid consideration of this type of legislation.

Well, I am proud to say that this evening I am part of a Congress that does not tolerate the self-serving interest that too often went unnoticed in the past. For over a year, Congress has not enjoyed the protection of the Federal false statement statute. Enactment of this legislation will clear up any existing ambiguity in the law so that lying to Congress will once again have serious consequences.

In closing, I want to again thank Chairman MCCOLLUM and his staff, and I urge my colleagues to support this bipartisan reform bill.

Mr. GOSS. Mr. Speaker, above the door to the Supreme Court Building are the words ''Equal Justice Under the Law.'' These words apply to all citizens including Members of Congress—but, the Supreme Court decision last spring placed this institution above the law. In Hubbard versus United States the Court held that section 1001 of 18 United States Code is only applicable to individuals who knowingly issue a false statement to the executive branch. This means that individuals—including Members of Congress—who intentionally lie to this institution can no longer be prosecuted under this statute. Following the Supreme Court's decision we witnessed numerous legal briefs filed to dismiss or lessen charges against former Members of Congress. We all know of one former Member that may have received a longer prison sentence for the criminal acts against the American people if Congress was under section 1001. This is not equal justice under the law. We cannot allow criminal activity to go unpunished. H.R. 3166 extends the false statement statute to all three branches of the Government.

It is very clear that individuals doing business with the Government or appearing before a committee are under this statute. H.R. 3166 makes Members of Congress legally accountable to the American people. I support this measure and encourage my colleagues to do the same.

Mr. WATT of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LEWIS of Georgia (during consideration of S. 919). Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas on December 6, 1995, the Committee on Standards of Official Conduct agreed to appoint an outside counsel to conduct an independent, nonpartisan investigation of allegations of ethical misconduct by Speaker New Gingrich;

Whereas, after an eight-month investigation, that outside counsel has submitted an extensive document containing the results of his inquiry;

Whereas the report of the outside counsel cost the taxpayers $500,000;

Whereas the public has a right—and Members of Congress have a responsibility—to examine the work of the outside counsel and